

EASTERN DISTRICT OF TEXAS

Finally, petitioner states officials failed to follow prison regulations in writing the incident report that charged him with a disciplinary offense. Even if petitioner is correct, this allegation

does not entitle him to relief. Failure to follow prison regulations, standing alone, does not constitute a violation of a petitioner's due process rights. *Murphy v. Collins*, 26 F.3d 541, 543 (5th Cir. 1994). "A prison official's failure to follow the prison's own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met." *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5th Cir. 1996). In *Wolff v. McDonnell*, 418 U.S. 539 (1974), the Supreme Court established the process due an inmate charged with violating prison rules. As petitioner has not established he was denied any of the procedural protections established in *Wolff*, he is not entitled to relief.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered denying the petition in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 21st day of November, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE